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Attorney for Plaintiffs
VICKI J. AZNARAN and RICHARD N. AZNARAN

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VICKI J. AZNARAN and RICHARD N.
AZNARAN,

Plaintiffs,

vs.

CHURCH OF SCIENTOLOGY OF
CALIFORNIA, INC., et al.

Defendants.

AND RELATED COUNTER CLAIM

Case No. CV-88-1786-JMI (EX)

PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR RELIEF FROM
DEFAULT FOR FAILURE TO
TIMELY FILE OPPOSITION PAPERS
TO MOTION FOR SUMMARY
JUDGMENT AND FOR ORDER
ALLOWING THE FILING OF SUCH
OPPOSITION PAPERS, INCLUDING
A MEMORANDUM IN EXCESS OF 35
PAGES; OR, IN THE
ALTERNATIVE, FOR RECONSIDER-
ATION; DECLARATION OF
COUNSEL; POINTS AND
AUTHORITIES IN SUPPORT
THEREOF

Date:
Time:
Ctvm: Hon. James M. Ideman

EXHIBIT A

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AZNARAN,)

12 Plaintiffs,)

13 vs.)

14 CHURCH OF SCIENTOLOGY OF)
15 CALIFORNIA, INC., et al.)

16 Defendants.)
17

18 AND RELATED COUNTER CLAIM)
19

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ATION; DECLARATION OF
COUNSEL; POINTS AND
AUTHORITIES IN SUPPORT
THEREOF

Date:

Time:

Ctrm: Hon. James M. Ideman

20
21
22
23 TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

24 PLEASE TAKE NOTICE that on the _____ day of December,
25 1990, at 10:00 a.m., as soon as the matter can be considered by the
26 Court, Plaintiffs Richard N. and Vicki J. Aznaran, will move the
27 above entitled Court for an Order relieving them from default for
28 their failure to timely file papers opposing Defendants' motion for

EXHIBIT A 087

1 summary judgment and for an Order allowing said Plaintiffs to file
2 papers opposing Defendants' motion for summary judgment, including a
3 memorandum in excess of 35 papers; or, in the alternative, for a
4 reconsideration of its Order denying a continuance that was entered
5 herein on November 30, 1990.

6 The legal basis for the portion of this motion directed to the
7 failure to file a timely opposition are the provisions of F.R.C.P.
8 Rules 1, 6(b)(2) and 7, and Local Rule 7.3.2. The factual portion of
9 this motion directed toward relief from default is predicated on the
10 facts that Plaintiffs' failure to file their opposition was due to
11 the excusable neglect of their counsel who had sought an extension of
12 time before the time to file such opposition had expired; that a
13 critical member of his staff could not work due to the death of her
14 mother; that Plaintiffs have proceeded and continue to proceed in
15 good faith to litigate this cause; that Plaintiffs' opposition to the
16 summary judgment motion has merit and to the grant the motion as
17 though it were unopposed would work a great injustice on said
18 plaintiffs; and that the Court's grant of permission to file their
19 opposition would not prejudice defendants. Plaintiffs Memorandum in
20 Opposition to Motion for Summary Judgment, Plaintiffs' Statement of
21 Genuine Issues and Plaintiffs' Exhibits in support are submitted in
22 conjunction with and as a part of the herein motion.

23 The portion of the motion directed toward obtaining permission
24 to file a brief in excess of 35 pages is legally based on Local Rule
25 3.10 and relies on the factual predicate that Defendants' memorandum
26 of points and authorities in support of their motion for summary
27 judgment was 72 pages in length.

28 ///

EXHIBIT A

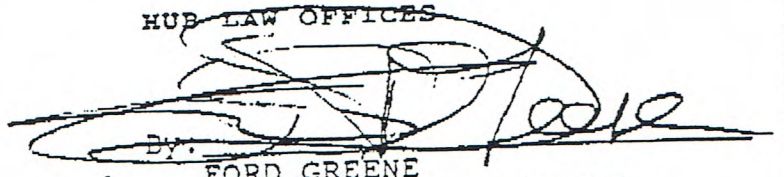
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1 The alternative portion of the motion directed at requesting the
2 Court's reconsideration of its Order, entered on November 30, 1990,
3 denying a continuance is based upon Local Rule 7.16 and the fact that
4 after plaintiffs had submitted their papers dated November 14, 1990,
5 on November 16, 1990, they received notice that the deposition of the
6 leader of Scientology, David Miscavige, had been ordered by the
7 Magistrate.

8 This Motion is based upon the herein notice, the declaration of
9 counsel, the memorandum of points and authorities submitted herewith,
10 the court files and records in this case, and upon such further
11 supplemental and reply memoranda as are submitted in support of the
12 motion.

13 DATED: December 10, 1990

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14 
15 BY:
16 FORD GREENE
17 Attorney for Plaintiffs
18 RICHARD N. and VICKI J. AZNARAN

19 DECLARATION OF COUNSEL

20 FORD GREENE declares:

21 1. I am an attorney licensed to practice law in the Courts of
22 the State of California and am admitted to practice before this Court
23 and am the attorney of record for plaintiffs herein.

24 2. On or about October 22, 1990 all defendants jointly filed
25 their motion for summary judgment attacking all plaintiffs' claims
26 with the sole exception of Count I, Vicki Aznaran's claim for false
27 imprisonment. The matter was set for hearing on November 19, 1990.
28 The memorandum in support of the summary judgment motion is 72 pages
long, the separate statement is 16 pages in length, and 562 pages of

EXHIBIT A 089

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1 exhibits were filed in support thereof. Plaintiffs' opposition was
2 initially to be filed and served on or before November 5, 1990.

3 3. I instructed and authorized Sarah Van Hoey, my legal
4 assistant, to negotiate with defense counsel in an effort to obtain
5 more time to respond. On behalf of plaintiffs, Ms. Van Hoey requested
6 defense counsel grant a continuance of the hearing date on the
7 summary judgment for one month. Defense counsel would not agree, but
8 did agree to continue the hearing to December 3, 1990, provided that
9 plaintiffs' opposition was filed and served on or before November 13,
10 1990, even though such deadline provided defendants with a
11 disproportionate advantage using the Local Rules as a reference
12 point. I approved this agreement and instructed Ms. Van Hoey to
13 confirm the same in writing; a copy of her confirming letter dated
14 October 30, 1990 is attached hereto as Exhibit 1.

15 4. Since on or about November 10, 1990 my legal assistant,
16 Sarah Van Hoey, has been unable to work because on or about that date
17 she advised me that day her mother died and Sarah would not be able
18 to work for an indefinite period of time because would have to bury
19 her mother in the midwest, and attend to all the matters of wrapping
20 up her mother's estate. Not only was this a tremendous personal blow
21 to my assistant, but also to my office. Sarah is very bright and very
22 capable, among other things having recently contributed to a Callagan
23 & Company publication on First Amendment litigation and having an
24 article that has recently been or is about to be published in Los
25 Angeles Lawyer Magazine. She was assigned almost exclusively to the
26 herein case and one other major case in this office and worked with
27 me extremely closely on all matters connected with this litigation.
28 Having Sarah out of commission has wrecked havoc on my ability to

EXHIBIT A 090

1 manage what already was a high-pressure caseload in my sole practice.
2 She is anticipated to return to work on December 17, 1990.

3 5. With Sarah's absence, on November 11 and 12, 1990, it
4 became clear that an effective opposition to defendants 72 page
5 summary judgment motion would take more time to prepare.

6 6. On November 13, 1990, after having to deal with an early
7 morning electricity outage which prevented me from having Plaintiffs'
8 Ex Parte Application for Continuance of Hearing Date, Or, In the
9 Alternative, For an Enlargement of Time to File Opposition to Motion
10 for Summary Judgment with supporting declaration and memorandum
11 delivered to the Court by courier, I telecopied the same to Los
12 Angeles for assistance in filing the same. A true and correct copy
13 thereof is enclosed as Exhibit 2. In so doing, I forgot that the
14 Court Clerk refused to accept telecopied signatures and neglected to
15 leave the signature line blank and authorize the execution of my
16 signature by the person receiving the telecopy for the purpose of
17 filing it with the Court; I had executed the papers before they were
18 telecopied. A true and correct copy of the Clerk's Civil Return
19 Letter which accompanied the rejected motion is enclosed as Exhibit
20 3.

21 7. On November 14, 1990, I renewed my effort to obtain further
22 time to file plaintiffs' opposition to the summary judgment motion by
23 sending a renewed motion, slightly modified and augmented by an
24 explanation of the prior day's events, by Federal Express to the
25 Court. A true and correct copy thereof is attached hereto as
26 Exhibit 4. The clerk rejected this filing because I had neglected to
27 sign the proposed order. A true and correct copy of the Clerk's Civil
28 Return Letter dated November 15, 1990 that I received with my

EXHIBIT A 091

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1 rejected application on November 19, 1990 is attached as Exhibit 5.

2 8. Having signed the proposed Order on which the previous lack
3 of my signature had caused the Clerk's rejection of the motion, and
4 without any further modification or augmentation of the motion in
5 explanation of the latest mishap, on November 20, 1990 I sent the
6 papers back to the Clerk of the Court. Apparently, these papers were
7 filed on November 21, 1990. A true and correct copy of the motion
8 that was filed is attached hereto as Exhibit 6.

9 9. On November 16, 1990 my office received a copy of the Order
10 of Magistrate Eick ordering the deposition of David Miscavige to go
11 forward. A true and correct copy of this Order is attached hereto as
12 Exhibit 7.

13 10. I could do nothing the week of November 26, 1990 for the
14 entire week through November 30 because I was in 15 noticed
15 depositions from Hollister to Crescent City, California to Grants
16 Pass, Oregon, in Harrah v. Del Norte Unified School District, U.S.
17 District Court, Northern District of California, No. C88 5121 RHS and
18 my assistant, Sarah Van Hoey was still absent from work wrapping up
19 the estate of her mother.

20 11. As soon as I returned from the week's depositions, I re-
21 commenced working close to around the clock on the opposition to
22 defendants' summary judgment motion. I did not know whether the Court
23 had ruled on the application and knew that the outstanding hearing
24 date was December 3, 1990.

25 12. On December 3, 1990 I had not completed the opposition. At
26 that time I was unaware of the Court's ruling denying the motion to
27 continue. I knew that my efforts to obtain more time had repeatedly
28 failed, ad initio, due to relatively minor technicalities, and hoped

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1 that at least the Court was aware that I was trying to obtain more
2 time and get plaintiffs' opposition on file. Thus, I continued to put
3 all my heart, mind and soul into producing the opposition upon which
4 I continued to work almost around the clock.

5 13. On December 4, 1990, I received notice that on November 28,
6 1990 the Court had issued its Order denying the motion to continue,
7 or in the alternative, for an enlargement of time, which Order was
8 filed on November 29, and entered on November 30, 1990. A true and
9 correct copy of said order is attached hereto as Exhibit 8.

10 Utterly dismayed, and recognizing, due to my failure to produce
11 the opposition, and/or to file a motion for more time, that
12 plaintiffs were in default I continued to work exclusively on the
13 opposition, almost around the clock. On December 4th or 5th, by
14 telephone I notified Judy Hurley, Judge Ideman's clerk, that I knew
15 I was in default, was very scared about it and was doing my best to
16 deliver an opposition within the next day (which I was not able to do
17 and did not).

18 14. Plaintiffs' opposition to the summary judgment has great
19 merit. The opposition shows that there are triable issues of
20 material fact as to each major issue in the case. Particularly with
21 respect to the fact (1) that the Church Scientology is a unitary
22 monolith all parts of which are controlled by a central hierarchy of
23 persons known as the Sea Organization; (2) that Scientology made
24 repeated specific and definite statements of existing fact to
25 plaintiffs in its practice of employing fraud as a means to cause
26 prospective and unwitting candidates for recruitment, including
27 plaintiffs, to be exposed to coercive persuasion without their
28 knowledge or consent, so that as a result they would become involved

EXHIBIT A 093

1 in Scientology; (3) that Scientology's treatment of the Aznarans,
2 utilizing deception and coercion, constituted the intentional
3 infliction of emotional distress and caused them loss of consortium.
4 The omission of the other issues raised in the summary judgment
5 motion does not mean they lack merit; the Court's attention is
6 directed to what are the most important motions.

7 It is imperative that the Court consider plaintiffs' opposition
8 because defendants' motion is cleverly couched so as to cause
9 plaintiffs to have the appearance of having voluntarily participated
10 in Scientology when, in fact, plaintiffs' involvement was the result
11 of a sophisticated combination of fraud and undue influence/coercive
12 persuasion.

13 The merits of plaintiffs' claims will be overlooked in the event
14 that the Court were to rule on the motion for summary judgment
15 without taking the substance of plaintiffs' opposition into
16 consideration. This would result in a terrible injustice that would
17 not be due to any fault of plaintiffs, but the sole responsibility
18 for which should fall on me, their attorney.

19 15. Plaintiffs have litigated this cause in consistent good
20 faith. To date plaintiffs have successfully resisted the following
21 substantive attacks on the pleadings and merits of the case: a motion
22 to dismiss, a Rule 11 motion for sanctions (all brought prior to the
23 disqualification of plaintiffs' former attorneys Cummins and White);
24 a motion to dismiss, first motion for summary judgment, motion for
25 preliminary injunction, interlocutory appeal of denial of motion for
26 preliminary injunction (concerning which briefing is complete and
27 matter is pending before the 9th Circuit) (all brought after the
28 disqualification of Cummins and White and/or substitution of present

EXHIBIT A 094

1 counsel). Defendants have deposed Plaintiffs Vicki J. Aznaran for 11
2 days, and Richard N. Aznaran for 9 days in this matter alone; in
3 addition to which both plaintiffs have been deposed for many
4 additional days in RTC, et al. v. Yanny, et al., Los Angeles Superior
5 Court, No. C 690211 and RTC v. Scott/Wollersheim, U.S. District
6 Court, Central District of California, No. CV 85-711 JMI (Bx)/No. 85-
7 7197 JMI (Bx).

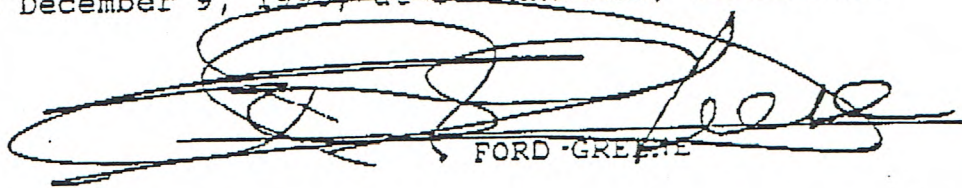
8 16. In light of the fact that this Court generally does not
9 entertain oral argument, and does not necessary rule on complex
10 motions such as the herein motion for summary judgment on the date of
11 hearing, defendants will not be prejudiced by the Court's issuance of
12 an order relieving plaintiffs' from the onus of default. While I
13 recognize that the delay my failure has caused interferes with this
14 Court's expeditious administration of justice, if the Court were not
15 to rule immediately on defendants' motion there would not appear to
16 be any fatal harm to the administration of justice caused by
17 relieving plaintiffs of their counsel's default. On the other hand,
18 were the Court to consider defendants' second summary judgment motion
19 without consideration of plaintiffs' opposition, the result as to the
20 plaintiffs would most likely be fatal in that they would be deprived
21 of a remedy for the 15 years of tortious mistreatment they received
22 from the Church of Scientology; such would be an injustice. The fault
23 is mine, not that of Vicki and Richard Aznaran. They should not be
24 punished for my transgression.

25 Under penalty of perjury pursuant to the laws of the State of
26 California I hereby declare that the foregoing is true and correct
27 according to my first-hand knowledge, except those matters stated to
28 be on information and belief, and as to those matters, I believe them

EXHIBIT A 095

1 to be true.

2 Executed on December 9, 1990, at San Anselmo, California

3
4 
5 FORD GREENE

6 MEMORANDUM OF POINTS AND AUTHORITIES

7 I.

8 INTRODUCTION

9
10 On or about October 22, 1990 defendants¹ filed their 72 page
11 Notice of Motion and Motion for Summary Judgment with a hearing date
12 set for November 19, 1990. Thereafter, pursuant to stipulation and
13 order the hearing date was continued to December 3, 1990 with
14 November 13, 1990 as the date by which plaintiffs were to serve and
15 file their opposition.

16 On November 9, 1990, Magistrate Charles F. Eick issued his order
17 compelling the deposition of David Miscavige; plaintiffs' counsel did
18 not receive notice thereof until November 16, 1990.

19 On November 10, 1990, the mother of Sarah Van Hoey, legal
20 assistant to plaintiffs' counsel, died; plaintiffs' counsel, a sole
21 practitioner, was without her able assistance for the following weeks
22 while Ms. Van Hoey wrapped up her deceased mother's affairs.

23 On November 13, 1990 plaintiffs first attempted to deliver by
24 courier an Ex Parte Application for Continuance of Hearing Date, Or,
25 In The Alternative, for an Enlargement of Time To File Opposition To

26
27 ¹ Defendants and moving parties are the following
28 corporate organizations: Author Services, Inc., Church of
Spiritual Technology, Religious Technology Center, and Church
of Scientology International. said four corporate defendants
will be collectively called "defendants."

EXHIBIT A 096

1 Motion for Summary Judgment to the Court for filing, but a power
2 outage prevented the computer from printing the same in sufficient
3 time to have the motion delivered from Northern California to Los
4 Angeles. Thereafter, plaintiffs cause their Ex Parte Application to
5 be transmitted to Los Angeles by facsimile but it was rejected by the
6 Clerk because the signature of plaintiffs' counsel had also been
7 transmitted by facsimile, and was not the original.

8 On November 14, 1990 plaintiffs sent their motion to the Clerk
9 of the Court by Federal Express; this time the Clerk rejected the
10 same because the proposed Order had not been signed by plaintiffs'
11 counsel. Plaintiffs' counsel received notice of the second rejection
12 on November 19, 1990. On November 20, 1990, plaintiffs' counsel,
13 having signed the proposed order, sent the motion and the order by
14 Federal Express back to the Clerk who filed the same on November 21,
15 1990.

16 On or about November 21, 1990 defendants filed their Notice of
17 Failure to File Opposition to Defendants' Motion for Summary Judgment
18 and Request for Sanctions.

19 On November 28, 1990 the Honorable James M. Ideman denied
20 plaintiffs' ex parte application, his order was filed on November 29,
21 and entered on November 30, 1990. Plaintiffs' counsel received the
22 Court's order on December 4, 1990.

23 The instant motion is brought on behalf of plaintiffs for an
24 order relieving them from default and allowing them to file their
25 memorandum in opposition to the motion for summary judgment as well
26 as the other papers in support thereof, or, in the alternative, for
27 reconsideration of its Order denying a continuance of the date for
28 hearing the summary judgment motion until the deposition of David

EXHIBIT A 097

1 Miscavige may be taken.

2 ARGUMENT

3 II.

4 PLAINTIFFS' FAILURE TO FILE AN OPPOSITION

5 THE MOTION FOR SUMMARY JUDGMENT SHOULD BE EXCUSED

6 BECAUSE IT IS THE RESULT OF EXCUSABLE NEGLIGENCE

7 F.R.C.P. Rule 1, in pertinent part, states, that the Federal
8 Rules of Civil Procedure "shall be construed to secure the just,
9 speedy and inexpensive determination of every action." F.R.C.P. Rule
10 6(b)(2) states that when "by these rules or by a notice given
11 thereunder or by order of court an act is required or allowed to be
12 done at or within a specified time, the court may for cause shown at
13 any given time in its discretion . . . upon motion made after the
14 expiration of the specified period permit the act to be done where
15 the failure to act was the result of excusable neglect." Local Rule
16 7.3.2 controls the enlargement of time by court order after the
17 expiration of time provided.

18 Rule 6(b) is a rule of general application giving wide
19 discretion to the court. Beaufort Concrete Company v. Atlantic States
20 Construction Co. (5th Cir. 1965) 352 F.2d 460, 462. Most courts take
21 a liberal view as to the breadth of such discretion Yonofsky v.
22 Wernick (S.D.N.Y. 1973) 362 F.Supp. 1005, 1014, "in order to work
23 substantial justice." Id. at 1012.

24 The burden is on the moving party to establish that the failure
25 to timely act was the result of "excusable neglect." The moving party
26 must demonstrate good faith and must show some reasonable basis for
27 noncompliance within the time specified by the rules. Ibid. What is
28 considered to be excusable neglect "should depend in part upon the

EXHIBIT A 098

1 importance of the matter involved and the prejudice, if any, to the
2 other party." Ham v. Smith (D.C. Cir. 1981) 653 F.2d 628, 630, fn 7
3 quoting Coady v. Aguadilla Terminal Inc. (1st Cir. 1972) 456 F.2d
4 677, 678. Whether the neglect is excusable rests with the sound
5 discretion of the district court. Davidson v. Keenan (2d Cir. 1984)
6 740 F.2d 129, 132.

7 In order to justify a finding of excusable neglect under Rule
8 6(b)(2) requires both a demonstration of good faith by the party
9 seeking the enlargement and it must also appear that there was a
10 reasonable basis for not complying within the specified period.
11 Additionally, there must be no prejudice caused from any enlargement
12 of time granted. In Re Four Seasons Securities Laws Litigation v.
13 Bank of America (10th Cir. 1974) 493 F.2d 1288, 1290.

14 Plaintiffs recognize, as they must, that the fact that the mere
15 fact their counsel "is a solo practitioner and was engaged in the
16 preparation of other cases" does not constitute excusable neglect.
17 McGlaughlin v. City of LaGrange (11th Cir. 1981) 662 F.2d 1385, 1387.
18 Similarly, simply because an attorney "claims that he has been
19 involved in a criminal appeal . . . is a sole practitioner and
20 carries a full teaching load at a local law school, and has been
21 unable - for financial reasons - to obtain needed technical
22 assistance or anticipated pro bono support" does not mean a failure
23 to make a timely filing constitutes excusable neglect. Marquee
24 Television Network, Inc. v. Early (D.C. Cir. 1983) 713 F.2d 837, 838.
25 In Mawhinney v. Heckler (D.C. Maine 1985) 600 F.Supp. 783, 784-785,
26 the court found there was no excusable neglect where no effort had
27 been made to file for an extension of time within the time the
28 opposition to the summary judgment motion was due and the only reason

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1 provided for the failure to make a timely filing by the Secretary of
2 Health and Human Services was due to "a backlog of cases."
3 McGlaughlin, Marquee, and Mawhinney, however, are
4 distinguishable from the instant case. In McGlaughlin, no effort was
5 made to obtain an extension of time before the expiration of the time
6 to respond.

7 In Marquee, counsel not only failed to file his client's brief on
8 time, he also failed to respond to an order to show cause why the
9 case should not be dismissed and did not even seek an extension of
10 time for filing said papers. In Mawhinney, no effort was made to
11 obtain an extension of time prior to the time the opposition was due.

12 In the instant case, counsel diligently, although with defects,
13 attempted to obtain additional time to file his clients' brief.
14 Additionally, in the instant case, plaintiffs' counsel was severely
15 impaired by the absence from work of his most capable assistant, upon
16 whom he greatly relied, due to the death of her mother.

17 Finally, in both McGlaughlin and Marquee the courts did not make
18 the client pay the price for the inaction of their respective
19 counsel. Likewise, in the instant case, while the conduct of
20 plaintiffs' counsel should not in any way be sanctioned because it
21 has interfered with the administration of justice and the reasonable
22 expectations of defendants, it has not prejudiced defendants.
23 Similarly, while the conduct of plaintiffs' counsel has been
24 untimely, said untimeliness has not been the result of any tactical
25 scheme undertaken in bad faith.

26 ///
27 ///
28 ///

EXHIBIT A

1 III.

2 PLAINTIFFS SHOULD BE ALLOWED TO FILE A BRIEF IN EXCESS OF 35 PAGES

3 Local Rule 3.10 states that no brief shall exceed 35 pages in
4 length. In the instant case, defendants' brief was 72 pages in
5 length. Thus, in the event that the court allows plaintiffs to file
6 their opposing papers, it is only fair to allow plaintiffs to file
7 a memorandum in excess of 35 pages as well.

8 IV.

9 IN THE ALTERNATIVE, THE COURT SHOULD GRANT RECONSIDERATION
10 OF ITS DENIAL OF PLAINTIFFS' MOTION TO CONTINUE ON THE BASIS THAT

11 THE DEPOSITION OF DAVID MISCAVIGE WAS ORDERED AFTER
12 PLAINTIFFS HAD SUBMITTED THEIR MOTION FOR AN EXTENSION

13 Local Rule 7.16 authorizes a motion for reconsideration if it
14 based upon a material difference in fact from that presented to the
15 Court that in the exercise of reasonable diligence could not have
16 been known to the moving party at the time of the decision.

17 The motion for a continuance of the hearing date on the motion
18 for summary judgment was predicated upon papers that were drafted and
19 served on November 14, 1990. One ground upon which the continuance
20 was sought was predicated upon the then possibility that Magistrate
21 Eick would order the deposition of David Miscavige, the top leader in
22 the Church of Scientology. Subsequent to the drafting of said motion,
23 plaintiffs' counsel received notice from the Court that the
24 deposition of David Miscavige had been ordered.

25 Plaintiffs expect to obtain substantial testimony from Mr.
26 Miscavige on the issue of the nature and extent of his control within
27 the Church of Scientology, specifically his exercise of authority
28 across corporate boundaries as a regular course of business practice.

EXHIBIT A 101

1 Since the deposition of Mr. Miscavige had not to plaintiffs'
2 knowledge been ordered at the time the motion to continue was
3 submitted to the Court, the fact that said deposition has been
4 ordered is a basis for the Court to reconsider its prior denial of
5 the motion to continue.

6 v.

7 CONCLUSION

8 Based on the reasons set forth above, it is respectfully
9 requested that the Court grant Plaintiffs relief from default and
10 allow the filing of their papers in opposition to Defendants' motion
11 for summary judgment, or, in the alternative, the Court grant
12 reconsideration of Plaintiffs' motion that the Court denied by the
13 Order entered on November 30, 1990.

14 Respectfully submitted:

15
16 DATED: December 10, 1990

HUB LAW OFFICES

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18 By: 

FORD GREENE
Attorney for Plaintiffs
RICHARD N. and VICKI J. AZNARAN

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28 EXHIBIT A

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HUB LAW OFFICES
FORD GREENE, ESQUIRE
711 SIX FRANCIS DRAKE BOULEVARD
SAN ANGELO, CALIFORNIA 94960-1918
(415) 288-0380

EXHIBIT A

EXHIBIT T

Cert Iss'd 6/11
(Init.)

PETITION BY ATTORNEY FOR ADMISSION TO PRACTICE
UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

FORD GREENE 107601

I, FORD GREENE (Print name as it should appear on certificate) (State Bar No.)
hereby petition the above-entitled court to admit me to practice before said court and, in support of my petition, state my business address is: 711 Sir Francis Drake Blvd., San Anselmo, California 94960-1949, telephone # (415) 250-0360.

On March 17, 1983, I was admitted to practice before the Supreme Court of the State of California. Other courts to which I am admitted to practice and dates of admission are: U.S. Dist Court, Northern District of California: January 5, 1985

I do hereby certify that I have read the Local Rules of Practice, the Local Criminal Rules, the FRCLVP, the FRCLMP, and the FRWVLD, in their entirety.

Signature of petitioner: *Ford Greene*
FORD GREENE

I hereby certify on 6/11/84
that the foregoing document is a true and correct copy of the original on file in my office, and is a legal copy.

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
By *[Signature]*



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CERTIFICATE OF SPONSOR

I, SILVION FRANKLIN HARRIS do hereby certify that I am
(Print name of sponsor)
a resident member of the Bar of the U.S. District Court, Central
District of California; that I know the petitioner whose name is
stated on the reverse of this card; and affirm that said petitioner
is of good moral character and is a member of the Bar of the State
of California in good standing on the date of the petition herein.

[Signature]
Signature of Sponsor

It is requested that the attorney admission ceremony be scheduled
on Thursday, February 29, 1989, at 9:15 a.m.
(Day) (Date)

NOTE: ATTORNEY ADMISSION CEREMONIES ARE HELD ON TUESDAYS AND
THURSDAYS ONLY, BUT NOT ON TUESDAYS FOLLOWING A MONDAY HOLIDAY.

Misc & (5/87) Fees paid to: _____
Deputy Clerk Initials: _____

EXHIBIT A